

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

JO ANN HOWARD AND ASSOCIATES, P.C.,	)	
SPECIAL DEPUTY RECEIVER OF LINCOLN	)	
MEMORIAL LIFE INSURANCE COMPANY,	)	
MEMORIAL SERVICE LIFE INSURANCE	)	
COMPANY, AND NATIONAL	)	
PREARRANGED SERVICES, INC.; ET AL.,	)	
	)	
Plaintiffs,	)	Case No. 09-CV-1252-ERW
v.	)	
	)	
J. DOUGLAS CASSITY; RANDALL K.	)	
SUTTON; BRENT D. CASSITY; J. TYLER	)	
CASSITY; RHONDA L. CASSITY; ET AL.,	)	
	)	
Defendants.	)	

**STIPULATED VOLUNTARY DISMISSAL WITH PREJUDICE  
OF COMPLAINT AGAINST DEFENDANT TONY B. LUMPKIN, III**

Plaintiffs and Defendant Tony B. Lumpkin, III (“Lumpkin”) under Fed. R. Civ. P. 41(a)(2), request an Order of the Court approving dismissal with prejudice of Plaintiffs’ claims against Lumpkin, as contained in Plaintiffs’ Third Amended Complaint.

1. Plaintiffs and Lumpkin stipulate and agree to this dismissal with prejudice.
2. There are no pending counterclaims or motions for summary judgment filed by Lumpkin.
3. Plaintiffs’ dismissal with prejudice against Lumpkin shall not affect Plaintiffs’ claims contained in Plaintiffs’ Third Amended Complaint against the remaining defendants.

**DEFENDANT TONY B. LUMPKIN, III'S  
CONSENT TO DISMISSAL WITH PREJUDICE**

Defendant Tony B. Lumpkin, III consents to, and requests the Court to enter an order, granting this stipulated dismissal with prejudice.



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Defendant Tony B. Lumpkin, III

Dated this 9<sup>th</sup> day of January, 2015.

Respectfully submitted,

*s/ Wendy B. Fisher*

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Attorneys for Plaintiffs Jo Ann Howard and Associates, P.C., in its capacity as Special Deputy Receiver of Lincoln Memorial Life Insurance Company, Memorial Service Life Insurance Company, and National Prearranged Services, Inc.; the National Organization of Life and Health Insurance Guaranty Associations; the Missouri Life & Health Insurance Guaranty Association; the Texas Life & Health Insurance Guaranty Association; the Illinois Life & Health Insurance Guaranty Association; the Kansas Life & Health Insurance Guaranty Association; Oklahoma Life & Health Insurance Guaranty Association; the Kentucky Life & Health Insurance Guaranty Association; and the Arkansas Life & Health Insurance Guaranty Association

### **CERTIFICATE OF SERVICE**

I hereby certify that on January 11, 2015, the foregoing **STIPULATED VOLUNTARY DISMISSAL WITH PREJUDICE OF COMPLAINT AGAINST DEFENDANT TONY B. LUMPKIN, III** was filed electronically with the Clerk of Court and served by operation of the Court's electronic filing system upon all counsel of record in this case participating in Electronic Case Filing.

I hereby further certify that on January 12, 2015, the foregoing was sent by United States Postal Service or by electronic means, as indicated below, to the following non-participants in Electronic Case Filing:

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s/ Wendy B. Fisher  
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